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FISCAL IMPACT STATEMENT

LS 6492

BILL NUMBER: SB 190

NOTE PREPARED: Feb 16, 2010

BILL AMENDED: Feb 9, 2010

SUBJECT: Discriminatory Practice Definition and Board for the
Coordination of Programs Serving Vulnerable Individuals

FIRST AUTHOR: Sen. Boots

FIRST SPONSOR: Rep. V. Smith

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) *Discriminatory Practice Definition:* This bill provides that taking an adverse employment action against an employee because that employee lawfully opposed or attempted to oppose a practice that is unlawful under civil rights enforcement laws is a discriminatory practice.

Board for the Coordination of Programs Serving Vulnerable Individuals: The bill requires the Board for the Coordination of Programs Serving Vulnerable Individuals to: (1) review and make recommendations regarding certain state agencies contracting with minority operated nonprofit organizations; and (2) develop a plan to increase the number of contracts between certain state agencies and minority operated nonprofit organizations. It reconciles conflicting language about the Board's reporting duties.

Effective Date: (Amended) Upon passage; July 1, 2010.

Explanation of State Expenditures: (Revised) *Discriminatory Practice Definition:* The bill expands the definition of "discriminatory practice" to include taking an adverse employment action against an employee because that employee lawfully opposed, or attempted to oppose, a practice that is unlawful under civil rights enforcement laws. The Civil Rights Commission may investigate discrimination claims, award back wages, and institute administrative changes within an offending entity. Expanding the definition of "discriminatory practice" may increase the Commission's workload. Any impact on the Commission will depend on the number of cases initiated at the Commission as a result of this bill.

(Revised) *Board for the Coordination of Programs Serving Vulnerable Individuals:* This bill may increase the workload of the Board for the Coordination of Programs Serving Vulnerable Individuals. The bill

removes provisions that requires the Board to report plans and progress to the Governor, Legislative Council, and the public at least semiannually. However, the bill adds the following requirements to the list of duties to be performed by the Board: (1) review and determine the number of contracts with minority operated nonprofit organizations maintained by state agencies; and (2) develop a plan to increase the number of contracts with minority operated nonprofit organizations. The Board would be required to begin making recommendations by September 30, 2010.

Workload may be minimized to the extent that the Board receives minority contract information from state agencies. Currently, the Indiana Department of Administration (IDOA) does not maintain a reporting mechanism to quantify which contracts are submitted by minorities. However, the IDOA reports that it is possible to quantify this information for the Board's use.

Explanation of State Revenues: *Discriminatory Practice Definition:* If additional civil actions occur and court fees are collected as a result of this bill's changes to the definition of "discriminatory practice", revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Discriminatory Practice Definition:* If additional civil actions occur and court fees are collected as a result of this bill's changes to the definition of "discriminatory practice", local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: Civil Rights Commission; Board for the Coordination of Programs Serving Vulnerable Individuals.

Local Agencies Affected: Trial courts, city and town courts.

Information Sources: Connie Smith, IDOA; Lawren Mills, Governor's Office; Jamal Smith, Governor's Office.

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